

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	20Cr0179 (DLC)
	:	
PRINCE UKO,	:	<u>ORDER</u>
JACOB SAGIAO,	:	
MARYLYNN PENEUETA,	:	
BRITT JACKSON,	:	
JOSHUA FITTEN,	:	
DONTAE COTTRELL,	:	
ARINZE OBIKA,	:	
NDUKWE ANYAOGU,	:	
HERMAN BASS,	:	
DAVID URO, and	:	
VICTOR AHAIWE,	:	
	:	
Defendants.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

An Order of March 16, 2020, adjourned the date of arraignment and initial conference in this case from March 27 to May 8, 2020 at noon. As provided in Rule 10(b), Fed. R. Crim. P., a defendant need not be present for the arraignment if the defendant and defendant's counsel have signed a written waiver of appearance and the Court has accepted that waiver. For those defendants choosing to waive their right to be present for the arraignment as provided in Rules 43(a) and 10(a), Fed. R. Crim. P., defense counsel was required to file a waiver with the Court by today. To date, one defendant, Prince Uko, already has been arraigned and one defendant, Ndukwe Anyaogu, remains at large. All of the other defendants, but one, have indicated a desire to

waive their presence, and most have filed their waivers. The May 16 Order advised counsel that a trial date would be chosen at the May 8 conference. Accordingly, it is hereby

ORDERED that the May 8, 2020 arraignment and conference will be held as a telephone conference. The parties shall use the following dial-in credentials for the telephone conference:

Dial-in: 888-363-4749  
Access code: 4324948

The parties shall use a landline if one is available.

IT IS FURTHER ORDERED that all defendants who wish to participate in the telephone conference may do so, and are encouraged to do so, whether or not they have waived their presence for an arraignment, that is, waived their right to be physically present in open court with the judicial officer at the time that the judicial officer conducts the arraignment.


IT IS FURTHER ORDERED that if defense counsel has already filed a waiver signed by both the defendant and counsel waiving the defendant's right to be present at the arraignment, defense counsel need not submit the attached form, Waiver of Right to be Present at Criminal Proceeding.

IT IS FURTHER ORDERED that any counsel who has not already submitted a waiver of the defendant's right to be present at the arraignment shall promptly discuss the attached form, titled Waiver of Right to be Present at Criminal Proceeding, with their client. If there is informed and voluntary consent to waive appearance at the arraignment, by April 21, defense counsel

shall file or mail to the Court the executed forms. Counsel are advised that in the event a defendant consents but counsel is unable to obtain the defendant's physical signature on the attached form, the Court will conduct an inquiry on May 8 to determine whether it is appropriate for the Court to add the defendant's signature to the form.

IT IS FURTHER ORDERED that, should any defendant not consent to waiver of presence at the arraignment, a separate arraignment will be held with that defendant and that defendant's counsel at such time as the COVID-19 health emergency abates and the court proceeding may be safely held.

Dated: New York, New York  
April 1, 2020

  
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DENISE COTE  
United States District Judge